

REMARKS/ARGUMENTS

In response to the Examiner's FINAL Office Action of February 05, 2009 issued in relation to the present Patent Application, the Applicant submits a Terminal Disclaimer, Amendments to the claims, and the below Remarks.

Claims 1-3, 10, 12, and 29 are presented for examination. Claim 1 is an independent claim.

Regarding Double Patenting Rejections

Claims 1-3, 10, 12 and 29 are rejected on the ground of nonstatutory double patenting over claims 1-50 of US Patent No. 7,137,549.

The Applicant submits herewith a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(c), the present application and US Patent No. 7,137,549 being commonly owned.

Regarding 35 USC 112 rejection

Claim 1 is rejected under 35 USC 112, first paragraph.

Claim 1 has been amended to define that the surface associated with a product item. Support for the same can be found on page 32, lines 28-30 where it is described that the coded data (Hyperlabel) is printed on packaging of a product item.

Regarding 35 USC 103 Rejections

Claims 1-3, 10, 12 and 29 are rejected under 35 USC 103(a) as being unpatentable over Murphy et al (US 4,554,446) in view of Lazzouni et al. (US 5,661,506).

Claim 1 has been amended to include the further limitation of verifying whether the product item (uniquely identified by the coded data) was legitimately purchased.

Murphy teaches identifying the voucher. Murphy fails to teach uniquely identifying the product item. The fact that the barcode of Murphy can be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. The Examiner therefore relies on hindsight to arrive at the determination of obviousness.

Murphy still requires matching products and coupons at the point of sale. Uniquely identifying the product item in the sensed coded data overcome this problem.

CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

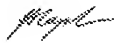
Applicant/s:



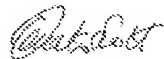
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